

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
MAY 08, 2019**

CALL TO ORDER 6:01 PM	A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11 th Street W, Ste. 200, Kalispell, Montana. Board members present were Dean Sirucek, Greg Stevens, Sandra Nogal, Jeff Larsen, Mike Horn, Ron Schlegel, Kevin Lake, Elliot Adams, and Jim Thompson. Donna Valade, Rachel Ezell, Erik Mack, and Mark Mussman represented the Flathead County Planning & Zoning Office. There were 28 members of the public in attendance.
APPROVAL OF MEETING MINUTES 6:02 PM	Sirucek made a motion, seconded by Nogal, to approve the April 10, 2019 meeting minutes. Motion passed unanimously on a roll call vote.
PUBLIC COMMENT <i>(Public matters that are within the jurisdiction of the Board 2-3-103 M.C.A)</i> 6:03 PM	None
DISCLOSURE OF ANY CONFLICT OF INTERESTS 6:03 PM	Larsen noted that he was the engineer for two items on the agenda tonight and would be stepping down from the board while said files were being heard. Stevens would run the meeting while he was away.
BLACKTAIL ESTATES (FPP-17-11) 6:04 PM	A request from Gregory Pisk with technical assistance from Larsen Engineering and Surveying for preliminary plat approval of Blacktail Estates, a proposal to create 28 residential lots on approximately 15.36 acres. The proposed subdivision would be served by Lakeside Water and Sewer District. The property is located off Grayling Road in Lakeside, MT in an unzoned area.
STAFF REPORT 6:04 PM	Donna Valade reviewed staff report FPP-17-11 for the board.

**BOARD
QUESTIONS
6:10 PM**

Stevens asked if the public comments, received prior to tonight's meeting, had been seen by the applicant. The staff replied yes.

Sirucek pointed out a grammatical error on page 9 that should be updated. It was noted that it would be changed.

Schlegel asked that they could have a break to read the comments received. They discussed it and decided they would do so.

**BOARD BREAK
6:14 PM**

**APPLICANT
PRESENTATION
6:27 PM**

Rick Breckenridge with Breckenridge Surveying and Mapping, 2302 Hwy 2 East #6, represented the client this evening. He reviewed the proposed subdivision. He went over the things that were "a little out of the ordinary". They were requesting a waiver for the parkland fees and explained why as it was already a part of the Spurwing Final Plat. He said the plans had changed from the original plat of Spurwing. The owners had changed but the request was still valid. He asked that on page 17 section B, a grammatical error be changed. He believed the staff report to be complete and did not have any objections. He also addressed the last-minute objection to a road issue centered on Adams Street. He said it was not a problem with the subdivision but an issue of the county not accepting the road in the maintenance program. He handed out a document to the board that showed the issue of Adams St. had been settled in 2005 as a part of the Spurwing Subdivision and that the road was originally intended to be a part of the county roads. He read aloud the agreement for the record.

**BOARD
QUESTIONS
6:36 PM**

Sirucek said he was trying to figure out if there was going to be a connection between Bauer Rd. and Grayling Rd. Breckenridge said that was the plan. Sirucek said that Bauer Rd ended 150-200' from where the Grayling ended. Sirucek wondered if that was correct and if there was undeveloped land in between that would be connected. Breckenridge said it was dedicated but had not been constructed. Sirucek wondered if they were going to construct through the gap. Breckenridge replied that, unless the board had taken a different turn and required offsite improvements that was not usually the case. Sirucek asked again if it was or was not going to be connected because, in his mind, there was a serious question of fire ingress and egress with something coming from the northwest. That was typically where the fires came from. Breckenridge said that was what they had right now. Sirucek wondered what it would look like in the end. Breckenridge said he did not know what it was going to look like in the end because this was all that they had before them. Sirucek said that was his key question; that there was no plan to connect the two. Breckenridge said that there was no street plug in there. He said there was a plan to connect them but there was no street plug so when it did become

of age, it would connect. He said to give it a little time. Sirucek wondered if that was another portion of another subdivision. Breckenridge replied yes, another application.

**AGENCY
COMMENTS
6:40 PM**

There were no public agencies present to comment. The staff had reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
6:40 PM**

Louis Evans with Montana Community Management, 16551 Wildrose Lane, spoke in opposition of the application. She worked for Montana Community Management and managed the Spurwing HOA. At the request of the majority owner and the board of directors, she wanted to give comments about the application. She had asked legal counsel to review records to Spurwing Loop, the existing improved portion of Grayling Rd., Adams Street, and the current request by Mr. Pisk regarding the extension of Grayling Rd. She wanted to request as a condition of approval that Blacktail Estates be accessed from county maintained roads in order to develop it or establish a road user agreement between Blacktail Estates, Spurwing Estates, and the City of Lakeside. She referenced county documents that declared they would not maintain these road sections. She also referenced documents that obligated Spurwing to maintain the internal subdivision road only. On their own volition, the developer and the HOA of Spurwing had maintained both internal and the two pieces of the road maintained to the county's benefit for the better part of a decade. These roads were frequently used by other members of the Lakeside Community, not just the residents of Spurwing, to access a nearby school and the dump. The upper section of Adams Street was an important road for the whole community and she expressed concerned about the maintenance of Adams Street. She was concerned about adding the maintenance of Adams to the residence of Spurwing as well as the situation was about to change dramatically. She discussed, at great length, her concern and sited statistics for increase in traffic and the impacts it would have on the residence of Spurwing and the City of Lakeside.

Bill Gehling, 124 Woodacres Dr., served as chairman of the Lakeside Community Council. He said the community council basically ceased to exist. He said it existed in name only. He said it needed to be reconstituted by the county and the county needed to start, instead of being less than cooperative with the community council in terms of what they wanted the community council to advise them on, they needed to be more collegial. He said by reconstituting the council, it would avoid a lot of "this". He also felt that they should have received a letter that was consistent with the agency referral letters sent out and made formally aware of the proposal. Instead, they got their first letter on April 18, 2019 and were supposed to put together some type of meeting. He said that the council did not function right now because they could not constitute a quorum.

His opinion regarding the parkland set aside was that it should not occur. He felt they should have to associate with the Spurwing development, which would include it joint maintenance of Adams street or he needed to divorce himself [from the development] and start over. He said there were other developments going in as well. He said it would have a significant impact on the access points. He was also concerned about the access to Hwy 93. He was in opposition to the application.

Ron Clark, 106 Troutbeck Rd., spoke in opposition of the application. He said he had been involved with previous discussions to pave Grayling. He said he had paid his part in paving Grayling and it was his understanding that the community had issues with maintenance of Grayling and Adams during the winter time. He was concerned about emergency services reaching them depending on the roads during bad weather and fire season. He said the easiest way to get in to Spurwing was through an access where a gate had been put in without permission and had caused a lot of problems. He said there were other problems with living on the hill, which had to do with the county maintenance, especially during winter when the roads were bad. He said it took several days for county to come out and gravel.

Mary Wardle, 368 Adams Street, spoke in opposition of the application. She said there were only a few families that lived on Adams Street. She said she had been a part of the road discussion several years ago. She supported all that had been shared. She wondered about the park space and felt that it was important to have green space. She had never seen the green space and wondered if they had donated the money to the park in Lakeside. She said Adams Street was not part of Spurwing, it was only granted to Lapp for connectivity. She said the HOA did not have maintenance on that road but the neighbors did. She was concerned for the students walking and cars driving up a steep and icy road [during winters]. She had seen accidents and even a tragedy which occurred due to the dangerous road. She and her neighbors did not do anything [in regards to maintenance] for two years because it was a county road but then decided to start doing something for the safety of others. She was concerned that there were more subdivisions being created. She said the county road sections needed to be maintained by the county. She said that things needed to be adjusted and evaluated as progress occurred.

Melissa Vilmure, 576 Grayling Rd., spoke in opposition of the application. She said their road was the main road that led to Highway 93 and was concerned about the part of Grayling Rd. that would be traversed by everybody as an access to the public way. She requested a mutual agreed upon usage.

Craig Seminoff, 335 Adams St., spoke in opposition with the application. He was concerned about the traffic safety. He said he had seen a propane truck

going up Adams street and then slide back down [due to icy roads]. He had seen multiple cars slide down. He was concerned about the safety of the children walking to school on [such a steep road]. He said there were several different developers in the area but felt that civic minded people should be able to get together and work this out. He said things had changed, even if there was an agreement in 2005. He felt the changes needed to be taken in to account and revise things. He said it was up to the Planning Board to make the recommendations to the County Commissioners.

Ann Hill, 574 Grayling Rd, spoke in opposition of the application. She was concerned about the increase of traffic. She said they were forced to put in a gate because of traffic that would go in and the road was getting smashed up when people went to the dump or to Blacktail. She was also concerned about the traffic of construction workers near her property. She said they had been covering road maintenance and was concerned about what the increase of traffic might do to the road. She felt they should agree with their HOA. She was not upset that developments were being built but was disappointed that they would not help with the cost share of the road maintenance.

Marty Seminoff, 335 Adams St., spoke in opposition of the application. She had witnessed accidents on the road. She said that they, along with several others, paid for the maintenance of Adams Street. She felt it was an injustice that there was an agreement made that eventually fell on the residence to maintain so that they could access their own driveways. She felt it appeared the county had set a precedence. She did not understand how the home owners could be held accountable to maintain the roads when it should be the county. She said that they had been affected by the agreements but have had no voice. She asked the county look at their overall policy.

**APPLICANT
REBUTTAL/
COMMENTS
7:23 PM**

Breckenridge said, after listening to the concerns, he had come to a couple of conclusions. One was that [the Spurwing residents] had taken it upon themselves to put a gate and block a county road. He said those roads were open to the public and dedicated to Flathead County. He said they wanted a "toll road"; they wanted people to pay to go across a road that has been dedicated to the county. He said it was rogue what was happening because you can't go out and block a road just because you don't like what was happening; not in civil society. He said the traffic concerns regarding Adams Street was due to people not being able to drive anymore. He said he knew that they had some problems but Pisk had shown a very workable attitude to solve problems. For example, in the last development, he had donated 4 lots to Habitat for Humanity and over two acres to a park dedication. He felt there was a very combative attitude towards this proposal and Mr. Pisk. He said you can attract more flies with honey. He did believe the issues could be resolved. In regards to the park waiver, Mr. Lapp had withdrawn this part of the Spurwing Estates out of the covenants and only the declarant could add it back in. He said a workable solution was one where everyone won. He said there

had been an active program to solve the maintenance problem and the maintenance problems were being blamed on a development that hadn't been developed yet. He felt it showed there were problems deeper than this development.

**STAFF
REBUTTAL/
COMMENTS
7:27 PM**

None

**BOARD
DISCUSSION
7:28 PM**

Schlegel asked about the map in Spurwing and wondered if there were only 3 houses in the development. He had googled the map and saw a lot of lots but only saw a few houses. Valade pulled up an aerial map from 2017. Schlegel still only saw 3 houses. Valade said she was not a resident of the subdivision but it appears that as of 2017 there were only about 3. She said the economy had picked up so it was possible there were more houses that were not represented on the aerial map. She could not say for sure.

Nogal asked Lois Evans to clarify some points. Evans said the roads within Spurwing Loop were private and always had been. She also clarified that the 300 blk of Adams Street was not the portion where the owners were asked to improve and maintained. While she sympathized with their concerns regarding Adams Street, they were located below that.

Stevens asked Evans about the recommendation of the cooperation between the City of Lakeside, Spurwing, and Blacktail. He pointed out that there was no City of Lakeside. It did not exist. In his understanding, there was not provision in the Montana Code Annotated for community councils. Mussman said he had not seen that either. He said the difference between Lakeside and other localized land use advisory committees was the Lakeside Community Council was elected by members who lived in that area. Bigfork Land Use Advisory Committee was another example of an elected committee. Others associated with neighborhood plans were volunteer. Once there is an open call for those who want to serve on a land use advisory committee but Lakeside was elected and had to go through the election rules.

Stevens wondered if they had established boundaries for the voters to take part. Mussman said there were. He was not sure where they were for the Lakeside Community Council but the boundaries had been established.

Stevens restated that it was his understanding that there was no provision in the Montana Code Annotated for community councils; just city governments and county governments. There was no real entity that could cooperate in an agreement. Evans thanked him for that clarification.

Sirucek asked if Pisk had a chance to read Mr. Repa's letter. He wanted to hear his response about accusing him of "not being a good neighbor in the past and therefore would not be a good neighbor in the future." Pisk responded that was not true. He had talked the president of the association, when he was going to do Creekside, and it had turned out very well. He said that he had run in to problems with the gate being there and being able to access the road. He said he had run in to roadblocks with Creekside and a user agreement and no longer use the road to Creekside. Sirucek asked if he would be averse to develop an agreement. Pisk replied that he was not opposed but it was going to take the community effort to come together for an agreement. He said he wanted to be a good neighbor. He said Creekside was a good neighborhood and he wanted to continue to work together as a community.

Stevens asked the staff if Adams Street was a part of the Spurwing. Staff said that, as far as she could tell, it was not a part of any subdivision. She said this situation was an interesting situation. Stevens asked if Adams Street was a dedicated county easement. She said it was but there was the issue of maintenance. Stevens said, it was his understanding that the county never took on maintenance of an inner subdivision road. He said there was no hope of the county doing maintenance in Grayling.

Mussman said it was highly unlikely and it had been some time since the county was able, or a developer was able, to dedicate a right of way to the county for a subdivision. Mussman said that, sometime in the past, the state legislature had prohibited the counties from accepting anymore right of way dedications; cities could, states could, but counties could not. Stevens said that it used to be on subdivision plats, that the internal subdivision roads were private roads but open to public use. Mussman said the majority of subdivisions, the road dedication on the plats state that they are privately maintained and open for public use. He said that there are some that state the roads were private in all respects.

Stevens asked if each of the phases need have their own HOA. Mussman said typically preliminary approval included multiple phases but in this case, due to the recession, the second and subsequent phases were not extended and the preliminary approval for those phases basically died. Typically, if it went through the process and each phase was developed, it would be a part of the original home owner's association. Stevens asked if, in the case of Blacktail which was at one point a phase of Spurwing, it would have folded in to the same thing. Stevens wondered if they could then get to some sort of agreement between Blacktail and Spurwing on a cooperative HOA because that was the way it would have been absent the preliminary plat. Mussman said that was correct and that because it was approved in phases at the preliminary stage, this phase would have gone straight to final because preliminary was already approved.

Sirucek asked if there could be a road user's agreement between the existing plats and different developers. He said a new agreement would supersede what had occurred before. He felt that in this situation it could be amended to phase I, phase II, and so on. Mussman said, to his understanding, that was what typically happened on a subdivision that continues through the process.

Nogal asked about the waiver for the cash-in-leu for parkland dedication. Valade said it was paid for during the Spurwing development. Nogal felt that if they were asking for the fee to be waived because it was paid for when it was considered Spurwing, then there should be other considerations in regards to HOA cooperation between Blacktail and Spurwing [as it was once a part of Spurwing]. The applicant was already asking for consideration that they were once a part of Spurwing but she felt they did not want to be included in road maintenance agreements because they were no longer a part of Spurwing.

Stevens understood but they would get to that later. He felt there was another way to get to where she wanted to go with that train of thought.

Schlegel asked staff about the development to the north and wondered if it was a part of the first subdivision or separate. Valade said they were separate. The reason why he was asking was there were a lot of homes to the north and they most likely used Adams Street too. He asked if that development had been approached to help with the road maintenance as well. He was confused because they were focusing on two developers at the moment but felt more needed to get involved too. He understood the frustration.

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-17-11)
7:52 PM**

Nogal made a motion, seconded by Sirucek, to adopt staff report FPP-17-11 as findings of fact.

**BOARD
DISCUSSION
7:52 PM**

Nogal asked if they should address finding #4. Stevens read finding #4. He said the road in question was within a county easement. It was just not maintained. Stevens said as a matter of description for the subdivision road system, it appeared to be a standard road system.

**ROLL CALL TO
ADOPT F.O.F.
(FPP-17-11)
7:54 PM**

Motion was passed on an 8-0 roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-17-11)
7:55 PM**

Schlegel made a motion, seconded by Nogal, to recommended approval of FPP-17-11 to the Board of County Commissioners.

**BOARD
DISCUSSION
7:56 PM**

Stevens said he was in the habit of writing down the comments of people who had testified to see if there were things that he needed to address. He addressed the letter from Mr. Repa which basically implored the county to maintain Grayling as it was a public right of way. Stevens said the problem was that the county did not maintain interior subdivision roads.

Stevens said he had read Gehling's letters and addressed his points. He asked for clarification when he referenced the land use advisory board and the Lakeside Community Council. Gehling said they were one in the same.

One of the issues that Stevens saw, as the testimony developed, was the parkland. The parkland was paid on a per acreage fee to the county. The county has had that money for 10 additional years and was able to use that without any additional impact. Stevens said the cash-in-lieu had already been paid so that the county could use it. The waiver made sense to him. He did not think the county should be paid again. The added revenue from the new development to the county and to the school would be substantial.

Stevens said it was going to be up to the HOA in Spurwing to deal with Grayling because the county was not going to maintain an inner subdivision road. He did not know what to do with Adams Street. It seemed to be a "problem child". As a board, they could not impose anything outside the boundaries of the subdivision. He did feel they were getting a little over their depth as a board in talking about making Spurwing and Blacktail come to an agreement for road maintenance. He was in favor of the county attorney advising an agreement between Blacktail and Spurwing. He also said if the gate was on a county road, it should be taken out. He was thinking the Board of Commissioners could come up with more resources and a suggestion for an agreement between Blacktail and Spurwing. He felt Adams Street needed to be addressed and this controversy may be a good opportunity for the Commissioners to give some instructions to the County Road Department.

Schlegel felt like it was a bigger issue because it involved Adams Street as well. Stevens said it wasn't a part of a subdivision. Schlegel was hearing that it was a community issue as Adams Street was used to get to the school. He felt the community needed to work together. He felt that, with that many people, it should be easy to do.

Sirucek said it would benefit everyone.

Schlegel said it was a steep hill and even if it was maintained, people were still going to slide in bad weather. Schlegel felt if everyone sat down and moved forward, an agreement could be reached.

Valade expressed she might be able to help with a condition that would address some of the road issues. She read the Flathead County Subdivision Regulations (page 48) Section 4.7.015 section E regarding access.

Valade said that there was a Blacktail portion on Grayling Rd. that could be considered an important access road laying outside the subdivision. Schlegel asked if they could make the people on Grayling Rd. be a part of that. Valade said Blacktail was using Grayling Road. Stevens said that everyone else in town was too.

Schlegel said that he didn't want to put a condition on just Blacktail because he thought the whole community needed to get together and felt that it was the best thing for Lakeside if they could stand together and do that.

Mack suggested they could do a rural improvement district. They would need to get a certain percentage of land owner's in the area to agree to it. They could do all of Lakeside or a portion of Lakeside.

Stevens asked if they could recommend that the county explore a RSID for that area. They could not mandate it but wondered if they could recommend it in their transmittal letter.

Stevens made a point to address the Commissioners on the recording and asked that The County Commissioners think about doing an RSID to address Adams Street.

Sirucek was in agreement. He felt they should go ahead with recommended motion and then communicate through the transmittal letter that the Planning Board highly recommended that the Commissioners investigate setting up an RSID in that area to take care of the multiple issues and multiple ownerships of roads in this area.

Schlegel also mentioned he wanted the gate to be addressed by the County Commissioners as well.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-17-11)
8:17 PM**

The motion passed on an 8-0 roll call vote

BOARD BREAK
8:18 PM

**COLLEEN
TURNER
ZONE CHANGE
(FZC-19-06)
8:25 PM**

A zone change request from Colleen R. Turner with technical assistance from Sam Cordi Land Surveying for property in the Rural Whitefish and Blanchard Lake Zoning Districts. The proposal would change the zoning on approximately 5.766 acres from *SWO-Southwest Whitefish Overlay/SAG-5 (Suburban Agricultural)* and *R-2.5 (Rural Residential)* to *SWO-Southwest Whitefish Overlay/B-2A (Secondary Business)*. The property is located at 6010 Highway 93 South near Whitefish, MT.

**STAFF REPORT
8:25 PM**

Rachel Ezell reviewed staff report FZC-19-06 for the board.

**BOARD
QUESTIONS
8:29 PM**

Larsen asked if there were any public comments and the response was no.

**APPLICANT
PRESENTATION
8:29 PM**

Thomas Sibson with Sam Cordi, 777 Cedar St, represented the applicants. He said they did not have any objections to the findings of fact. He gave the detailed history behind the property. It had been through a zone change prior when it was under the Whitefish jurisdiction, then the county had taken it over and it was zoned SAG-5. It recently changed to the business zoning.

**AGENCY
COMMENTS
8:30 PM**

There were no public agencies present to comment. The staff had reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
8:31 PM**

Tom Iverson, 222 Iverson Lane, had a property adjacent to the said property. His biggest concern was that he did not want to see commercial development near his house. He didn't understand why commercial would run that far back from the highway. He was also concerned that the staff report did not acknowledge the wetlands. He had experienced a substantial amount of water in the past. He was confused because he thought the rezoning had already taken place. He did not understand what the difference between business and commercial. He said if he wanted to live in a commercial area, he would have built in one.

**APPLICANT
REBUTTAL/
COMMENTS
8:33 pm**

Sibson added that the business zoning was there already, previously a Whitefish Business 2 and this would be a small business zoning. Just immediately south of the subject property was a new business (a marine boat and sales storage). He believed the zoning matched the existing zoning.

**STAFF
REBUTTAL/
COMMENTS**
8:34 pm

Staff clarified that the wetlands was in reference to the mapped wetlands as shown on the GIS Dept. don't encumber the whole property but there are some mapped wetlands along the flat portion of the property.

**APPLICANT
REBUTTAL/
COMMENTS**
8:35 pm

Dave Turner, 30 Highlands Ct., said they had purchased the property in 2013, with the original intent to build a house. He did not know what the donut was but soon found out. Their plans changed and have since listed it for sale. They believed the property would have been absorbed in to the zone change that had taken place as the South Whitefish Corridor. He requested the property be put in to the zoning but it was a little too late. He felt it was consistent with the neighboring properties. He could sympathize with the neighbors but still felt it was consistent with the zoning in the area.

**BOARD
QUESTIONS**
8:37 PM

Schlegel asked Iverson what he wanted to share. Iverson was concerned about the access when trying to turn left to get to Whitefish. He said it was a big problem and it was only going to get worse.

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-19-06)**
8:39 PM

Sirucek made a motion, seconded by Nogal, to adopt staff report FZC-19-06 as findings of fact.

**BOARD
DISCUSSION**
8:39 PM

None

**ROLL CALL TO
ADOPT F.O.F.
(FZC-19-06)**
8:39 PM

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-19-06)**
8:40 PM

Lake made a motion, seconded by Adams, to recommended approval of FZC-19-06 to the Board of County Commissioners.

**BOARD
DISCUSSION**
8:40 PM

Stevens had known Iverson for a while and said he empathized with him because there was a lot of change happening where he lived too. Iverson said, "It was not like it used to be." Stevens jokingly said he didn't have too long to endure it.

Sirucek explained that part of the criteria of the [South Whitefish] overlay was internal roads that would lead to access the highway. He was concerned about adding to the overlay without requiring the same things that were required of the overlay.

Turner said they were no happier with the traffic than Iverson was. He said that MDOT was requiring, in conjunction with Whitefish Marine, the approach from HWY 93 be fixed as it was very steep. They had granted an easement and the owner of Whitefish Marina had agreed to fund and pay for the approach to be flattened out a little bit. He felt that they could talk to them about accommodating this.

Mussman said the design standards, associated with the highway overlay, would be addressed at the time of development. He imagined any future business or existing homes or businesses in that general area, would be able to get off of Highway 93 in that controlled intersection. He said this was a little pocket of future development that would actually have access at a controlled sight, unlike the rest of the corridor.

Schlegel asked if the applicants would have to give up an easement for a frontage road. Mussman said perhaps and it was a part of the development of the property. The highway overlay allowed a requirement for access easements for future development.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-19-06)
8:46 PM**

The motion passed on an 8-1 roll call vote. Schlegel dissented.

**SADDLEHORN II
(FAPUD-19-01)
8:47 PM**

A request by Michael Fraser, on behalf of Saddlehorn II and III LLC., for a zoning text amendment for the Saddlehorn Planned Unit Development (PUD). The applicant is requesting the proposed amendment to eliminate certain permitted uses, add short term rentals as a conditional use, and allow for shared driveways.

**STAFF REPORT
8:47 PM**

Mack reviewed staff report FAPUD-19-01 for the board.

**BOARD
QUESTIONS
8:48 PM**

None

**APPLICANT
PRESENTATION
8:48 PM**

Michael Frasier, 690 N. Meridian, represented the applicants. He said the Saddlehorn PUD was a zone and explained the intent to create a high end recreational community. The recession effected the development and the economy would not support the intention. The original developers lost the property and Saddlehorn LLC II acquired the 45 lots, along with the common areas and all the undeveloped property, through foreclosure. They discussed it with a real estate appraiser who said they needed more inventory and to move some things around. They said the amenity package was very excessive. The way they would change the amenity was to do a text amendment to the existing PUD so they could simplify it. He discussed in detail what he was proposing to amend.

**BOARD
QUESTIONS
8:56 PM**

None

**AGENCY
COMMENTS
8:56 PM**

There were no public agencies present to comment. The staff reviewed the written comments received.

**PUBLIC
COMMENT
8:57 pm**

Mark Smolen, 652 Pommel Dr., had a few concerns regarding the application. His primary concern was the fire hazard as they were above the subdivision. They recommended approval but asked that they condition short term rentals would not allow open fires. His other concern was a road that they were responsible for maintaining and was not a public road for ingress or egress. They did not want construction traffic to access their road because it would not be able to take the additional traffic.

Danielle Roland, 639 Pommel Dr., asked that they condition it to exclude fireworks all year round.

**APPLICANT
REBUTTAL/
COMMENTS
9:03 PM**

Frasier said any issues regarding short term rentals were addressed in the administrative conditional use process. They were only asking that it would be considered a conditional use in the PUD. Whether or not it actually happened was up to the individual owner's decision to go through the process.

**STAFF
REBUTTAL/
COMMENTS
9:04 PM**

Mack said that the road issues were really subdivision related and therefor did not have do to with this text amendment.

**MAIN MOTION
TO ADOPT F.O.F.
(FAPUD-19-01)
9:04 PM**

Sirucek made a motion, seconded by Schlegel, to adopt staff FAPUD-19-01 as findings of fact.

**BOARD
DISCUSSION
9:05 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FAPUD-19-01)
9:05 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FAPUD-19-01)
9:05 PM**

Sirucek made a motion, seconded by Schlegel, to recommended approval of FAPUD-19-01 to the Board of County Commissioners.

**BOARD
DISCUSSION
9:05 PM**

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FAPUD-19-01)
9:05 PM**

The motion passed unanimously on a roll call vote

**SADDLEHORN II
(FPPUD-19-01)
9:07 PM**

A request from Michael Fraser, on behalf of Saddlehorn III, LLC for an expansion of the existing SAG-5 Saddlehorn Planned Unit Development (PUD) to include an additional 56.37 acres of property located to the north and west of the current Saddlehorn development. The subject property is located along the south side of Highway 209, east of the intersection of Highway 209 and Highway 35 within the Bigfork Zoning District.

**STAFF REPORT
9:07 PM**

Donna Valade reviewed staff report FPPUD-19-01 for the board.

**BOARD
QUESTIONS
9:10 PM**

Larsen asked Valade to review the public and agency comments received. She said they were the same as the previous file.

**APPLICANT
PRESENTATION
9:10 PM**

Michael Frasier, 690 N. Meridian, represented the applicants. He explained the existing subdivisions; Saddlehorn I and Saddlehorn II. He explained the area created to allow future parcel development. He discussed in detail what they would like to do to create more density; adding the acres to the existing

	PUD.
BOARD QUESTIONS <i>9:12 PM</i>	None
AGENCY COMMENTS <i>9:12 PM</i>	There were no public agencies present to comment.
PUBLIC COMMENT <i>9:12 PM</i>	None
MAIN MOTION TO ADOPT F.O.F. (FPPUD-19-01) <i>9:13 PM</i>	Sirucek made a motion, seconded by Nogal, to adopt staff FPPUD-19-01 as findings of fact.
BOARD DISCUSSION <i>9:13 PM</i>	None
ROLL CALL TO ADOPT F.O.F. (FPPUD-19-01) <i>9:13 PM</i>	Motion was passed unanimously on a roll call vote.
MAIN MOTION TO RECOMMEND APPROVAL (FPPUD-19-01) <i>9:13 PM</i>	Lake made a motion, seconded by Horn, to recommended approval of FPPUD-19-01 to the Board of County Commissioners.
BOARD DISCUSSION <i>9:14 PM</i>	None
ROLL CALL TO RECOMMEND APPROVAL (FPPUD-19-01) <i>9:14 PM</i>	The motion passed on an 8-1 roll call vote. Stevens dissented.

**CEDAR CREEK
HOLDINGS, LLC
(FPP-19-07)
9:15 PM**

A request from Cedar Creek Holdings, LLC, with technical assistance from Larsen Engineering and Surveying, Inc. for preliminary plat approval of Cedar Meadows, Phase 2 Subdivision, a proposal to create 17 residential lots on 22.42 acres. The proposed subdivision would be served by shared and individual wells and individual septic systems. The property is located at 1602 Trumble Creek Road.

**STAFF REPORT
9:16 PM**

Rachel Ezell reviewed staff report FPP-19-07 for the board.

**BOARD
QUESTIONS
9:18 PM**

Sirucek asked about the 10' right of way and where the exact location was. Ezell pointed it out on the map.

**APPLICANT
PRESENTATION
9:20 PM**

Rick Breckenridge with Breckenridge Surveying and Mapping, 2302 Hwy 2 East #6, represented the client this evening. He said his proposal had already been reviewed once as a subdivision. He wanted to address the DEQ letter and said that what was going on was they had offsite water rights. They were trying to resolve that and clarify how they were going to appropriate that as far as irrigation. He said they were in a unique area. He said they were out of the floodplain. He asked them to consider conditions #16 and #17 be combined. He gave his reasons why.

**BOARD
QUESTIONS
9:24 PM**

None

**AGENCY
COMMENTS
9:24 PM**

There were no public agencies present to comment. The staff had reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
9:25 PM**

Dusk Scovel, 1660 Trumble Creek Road, owned the property on the north side of the property. He was concerned about the density of the proposed subdivision, specifically in regards to the septic systems. There was a creek nearby. He was concerned about the water levels of the creek and the septic systems creeping in to it. He was in opposition of the application. He asked that they reevaluate the total number of lots as well as the septic systems.

Zenna Scoval, 1660 Trumble Creek Road, spoke in opposition of the application. She said that, as recently as two year ago, the water of Trumble Creek had been high enough to put a canoe in there. She was concerned about a development in front of it.

**APPLICANT
REBUTTAL/
COMMENTS
9:29 PM**

Breckenridge said that there was some fill done and they had done some ground water monitoring and it had not turned up anything. The area in question did not have a wetland delineation on it. He felt the density was appropriate considering the subdivisions nearby. They had not had any nitrate degradation to show that the work is affecting the ground or drinking water. He said the DEQ regulations were very strict and they did not have any evidence of any groundwater problems.

**STAFF
REBUTTAL
9:32 PM**

None

**BOARD
QUESTIONS
9:32 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-19-07)
9:32 PM**

Schlegel made a motion, seconded by Sirucek, to adopt staff FPP-19-07 as findings of fact.

**BOARD
DISCUSSION
9:33 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FPP-19-07)
9:33 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-19-07)
9:34 PM**

Lake made a motion, seconded by Nogal, to recommended approval of FPP-19-07 to the Board of County Commissioners.

**BOARD
DISCUSSION
9:34 PM**

Applicant had made a recommendation and Nogal asked how the staff felt about that. Mussman said it probably was not an issue and recalled what Breckenridge had been talking about in the Evergreen area. He said that it was a good thing for the county to acquire an additional right of way and a pedestrian path. They discussed combining condition #16 and #17.

**MOTION TO
AMEND
CONDITION #16
& #17
9:36 PM**

Nogal made a motion, seconded by Sirucek, to combine condition #16-17 to state:
"A 25 foot easement for Trumble Creek Road expansion and a bike or pedestrian path shall be shown on the face of the final plat for the entire length of the subdivision along the west side of Trumble Creek Road."

**BOARD
DISCUSSION
9:36 PM**

None

**MOTION TO
AMEND
CONDITION #16
& #17
9:36 PM**

Motion was passed unanimously on an 8-0 roll call vote.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-19-07)
9:36 PM**

The motion passed on a 7-1 roll call vote. Nogal dissented.

**OLD BUSINESS
9:38 PM**

None

**NEW BUSINESS
9:38 PM**

None

**ADJOURMENT
9:38 PM**

The meeting was adjourned on a motion by Larsen and Lake at approximately 9:38 p.m. The next meeting will be held June 12, 2019.



Greg Stevens, Vice-Chairman



Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 6 / 12 /19